

ESTTA Tracking number: **ESTTA623726**

Filing date: **08/27/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

Name	Vector Security, Inc.
Granted to Date of previous extension	08/27/2014
Address	2000 Ericsson Drive Warrendale, PA 15086 UNITED STATES

Name	Vector Intelligent Solutions, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	2000 Ericsson Drive Warrendale, PA 15086 UNITED STATES		

Attorney information	Andrew Cornelius ANDREW J. CORNELIUS, P. C. 305 Mt. Lebanon Blvd.Suite 205 Pittsburgh, PA 15234 UNITED STATES acornelius@ajciplaw.com, tperles@ajciplaw.com
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### Applicant Information

Application No	85939929	Publication date	04/29/2014
Opposition Filing Date	08/27/2014	Opposition Period Ends	08/27/2014
Applicant	Veeva Systems, Inc. 4637 Chabot Drive, Suite 210 Pleasanton, CA 94588 UNITED STATES		

### Goods/Services Affected by Opposition


Class 042. First Use: 2011/10/00 First Use In Commerce: 2011/10/00

All goods and services in the class are opposed, namely: Providing software as a service (SaaS),namely, providing online non-downloadable software for the management, organization, collaboration, and sharing of content, communications, and information in the fields of customer relationship management (CRM), content management, and life sciences clinical trial document collection, management, and analysis

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86192812	Application Date	02/13/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VAULT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2008/01/23 First Use In Commerce: 2008/01/23 Computer software that provides web-based access to applications and services through a web operating system or portal interface</p> <p>Class 037. First use: First Use: 2008/01/23 First Use In Commerce: 2008/01/23 Computer project management services; providing an Internet website portal that provides customer access and input to their projects for purposes of monitoring and participating in the creation and management of their projects; providing a web-based on-line portal that provides customer access and input to their projects for purposes of monitoring and participating in the creation and management of their projects</p>		

Attachments	86192812#TMSN.png( bytes ) Notice of Opposition.pdf(20273 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrew J. Cornelius/
Name	Andrew Cornelius
Date	08/27/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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VECTOR SECURITY, INC. and	)	
VECTOR INTELLIGENT SOLUTIONS, LLC,	)	
dba Industry Retail Group	)	
	)	
Opposers,	)	Opposition No.:
	)	
v.	)	Mark: VAULT
	)	
VEEVA SYSTEMS, INC.	)	Application No.:
	)	85/939,929
Applicant	)	

**NOTICE OF OPPOSITION**

**Vector Security, Inc.**, a Pennsylvania corporation (“Vector”), and **Vector Intelligent Solutions, LLC**, a limited liability company (“VIS”), doing business as Industry Retail Group, having places of business at 2000 Ericsson Drive, Warrendale, Pennsylvania 15086 (Vector and VIS being referred to collectively herein as “Opposers”) believe they will be damaged by registration of the mark "VAULT," which is the subject of U.S. Application Serial No. 85/939,929 (the "Application") for the following goods in International Class 042: Providing software as a service (SaaS), namely, providing online non-downloadable software for the management, organization, collaboration, and sharing of content, communications, and information in the fields of customer relationship management (CRM), content management, and life sciences clinical trial document collection, management, and analysis (collectively, "Applicant's Services."). Opposers hereby oppose the Application.

As grounds for opposition, Opposers allege as follows:

**Parties and Procedural Background**

1. Vector designs, installs and monitors security systems for homes, businesses and multi-site retail chains across North America and the Caribbean.
2. VIS is a wholly-owned subsidiary of Vector. VIS's services include, among others, the provision of customized managed network services, including a comprehensive portfolio of broadband and broadband-centric services targeted to retailers and other multi-site companies. VIS is also a highly specialized, single-source purveyor of managed IP communication, application and turnkey professional services. VIS applications include hotspot and enterprise Wi-Fi solutions, mobility, hosted VoIP, and IP-based video surveillance. VIS's client base includes retailers, quick-serve restaurants and convenience store chains. VIS markets and sells the Vector Goods and Services as defined hereinbelow.
3. Upon information and belief, Veeva Systems, Inc., is a Delaware corporation ("Applicant") that has a principal place of business at 4637 Chabot Drive, Suite 210, Pleasanton, California 94588.
4. On May 22, 2013, Applicant filed the Application to register the mark "VAULT" ("Applicant's Mark") in connection with Applicant's Services. Applicant alleges dates of first use of October of 2011 in the Application.
5. The Application published for opposition on April 29, 2014.
6. On May 15, 2014, Vector timely extended the time to oppose the Application

through and including August 27, 2014. Thus, this notice of opposition is timely filed.

VIS is in privity with Vector for purposes of filing this notice of opposition based on its status as a wholly-owned subsidiary and licensee of Vector.

### **Allegations**

7. Vector is the owner of U. S. Trademark Application Serial No. 86/192,812, filed February 13, 2014 ("Vector's Application") for the mark "vAULT" ("Vector's Mark") in connection with:

Computer software that provides web-based access to applications and services through a web operating system or portal interface (in International Class 009); and

Computer project management services; providing an Internet website portal that provides customer access and input to their projects for purposes of monitoring and participating in the creation and management of their projects; providing a web-based on-line portal that provides customer access and input to their projects for purposes of monitoring and participating in the creation and management of their projects (in International Class 037),

(collectively, "Vector's Goods and Services").

8. Industry Retail Group, Inc. ("IRG") commenced use of Vector's Mark in commerce at least as early as January 23, 2008. Vector purchased IRG and acquired ownership of Vector's Mark, and the goodwill associated with Vector's Mark, by assignment prior to the filing of Vector's Application. From the date of the assignment through the present, VIS has used Vector's Mark, and VIS's use of Vector's Mark has inured to the benefit of Vector. Consequently, IRG is Vector's predecessor-in-interest, and VIS is a related party vis-a-vis Vector.

9. Vector's Mark has been continuously used in the United States in commerce since at least as early as January 23, 2008, by IRG and subsequently by VIS, and has not been abandoned.

10. Upon information and belief, Applicant's Services are highly related to Vector's Goods and Services.

11. Vector's Mark is symbolic of extensive goodwill and consumer recognition built up through IRG's, VIS's and Vector's investment of substantial time and resources in developing, advertising, and promoting Vector's Goods and Services in connection with Vector's Mark. As a result of that investment, relevant consumers have come to associate Vector's Mark exclusively with Vector and Vector's Goods and Services.

12. Vector's Mark is inherently distinctive when used in connection with Vector's Goods and Services.

13. On April 14, 2014, the United States Patent and Trademark Office issued an office action in Vector's Application that included the following statement:

The filing date of pending Application Serial Nos. 85720074, 85720114, **85939929**, and 86071187, 86097974 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) ***because of a likelihood of confusion*** with the registered [sic] mark(s).

(Emphasis added).

#### **Likelihood of Confusion**

14. Opposers restate the allegations set forth in Paragraphs 1 through 13 as if fully set forth herein.

15. Applicant's use of Applicant's Mark and the Application are junior to Opposers' rights in Vector's Mark because Vector's dates of first use of Vector's Mark in commerce predate both Applicant's alleged dates of first use of Applicant's Mark and the filing date of the Application.

16. Applicant's Mark so resembles Vector's Mark as to be likely, when used in connection with Applicant's Services, as to cause confusion, mistake or deception among consumers and the public, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. §§ 1052(d) and 1125(a), by creating the false impression that Applicant's Services originate with Vector or VIS or are otherwise endorsed, sponsored, licensed, authorized by or connected in any way to Vector or VIS, which is false.

17. Such consumer confusion is likely to occur because Applicant's Services are closely related to the Vector's Goods and Services.

18. The Application contains no restrictions on Applicant's Services or channels of trade, such that Applicant's Services may be sold through identical and/or similar trade channels as Vector's Goods and Services to the same class of consumers.

19. Such likelihood of confusion will damage Opposers and cause irreparable harm to the goodwill embodied by Vector's Mark.

### **Prayer**

WHEREFORE, Opposers paid the requisite fees to the United States Patent and Trademark Office contemporaneous with the filing of the instant notice of opposition. If such fees are delinquent, deficient or any substitute fees are required, the United States

Patent and Trademark Office is authorized to charge counsel's Deposit Account No. 03-3280 for the deficiency.

WHEREFORE, Opposers believe that they will be damaged by the registration of the Application and pray that:

- (a) this notice of opposition be sustained in favor of Opposers and the Application be refused; and
- (b) the Board grant to Opposers such other relief as the Board deems just and proper.

This 27<sup>th</sup> day of August, 2014.

Respectfully submitted,  
ANDREW J. CORNELIUS, P. C.

By:           /Andrew J. Cornelius/          

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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VECTOR SECURITY, INC.	)		
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Opposer,	)	Opposition No.:	
	)		
v.	)	Mark:	VAULT
	)		
VEEVA SYSTEMS, INC.	)	Application No.:	85/939,929
	)		
Applicant.	)		

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was sent by first-class mail, postage prepaid to the Applicant's counsel, as follows:

David A.W. Wong, Esquire  
Barnes & Thornburg LLP  
11 S. Meridian St.  
Indianapolis, Indiana 46204-3506  
United States

This 27th day of August, 2014

/Andrew J. Cornelius  
Andrew J. Cornelius